IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2103 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/09/2004 in WP NO : 27683 OF 1996 on the file of the High Court.)

Between:

Galigudem Lalaiah, S/o.Chinnaiah,
R/o.Babapur, Roophkhanpet Village, Pargi Mandal, Ranga Reddy District. Died per LR. Galigudem Narsimhulu, S/o.Late Lalaiah, R/o.Babapur, Roophkhanpet Village, pargi Mandal, Ranga Reddy Dist.

..... APPELLANT

AND

1 The Mandal Revenue officer, Pargi Mandal, Ranga Reddy District.
2 Sri Yerrala Lalaiah, S/o.Chinnaiah,
R/o.Babapur, Roophkhanpet Village, Pargi Mandal, Ranga Reddy District.

.....RESPONDENT(S)

Counsel for the Appellant:MR.S.SATYAM REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Mr.L. Prabhakar Reddy

The Court made the following Oral Judgment : (per Sri Devinder Gupta, CJ)

We have heard the learned counsel for the parties.

Challenge in this appeal is to the order of learned single judge dismissing the writ petition with an observation that appellant/writ petitioner has not availed of the alternative remedy provided under the A.P. (Telangana Area) Agricultural Tenancy Act, 1979 (hereinafter referred to as "the Act") and as such writ petition under Article 226 is not maintainable. With such an order, there cannot be any interference in appeal.

Restoration of possession to the 2nd respondent is pursuant to an order passed under Section 38-E of the Act. The said order is challenged on the ground that land is not identified or identifiable and that appellant is in possession of the land pursuant to a sale deed executed by one Abdul Wadood on 21.12.1960, for which patta passbook was also issued.

Once an order is passed under the provisions of the Act and there is a provision for filing appeal or revision against the said order, learned single judge was perfectly justified in not entertaining the writ petition and in saying that in view of the availability of adequate efficacious alternate statutory remedy, the writ petition is not maintainable.

For that reason alone, we dismiss this appeal also. No costs.

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DEVINDER GUPTA, CJ

Date: 27th January, 2005

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M. NARAYANA REDDY,J

Pnb

To

1. The Mandal Revenue officer, Pargi Mandal, Ranga Reddy District.

2. Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

3. Two C.D. copies